

SEP 14 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

MIGUEL VALENCIA-MUNGUIA,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-76450

Agency No. A92-288-416

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 11, 2006**

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

Miguel Valencia Munguia, a native and citizen of Mexico, petitions pro se for review of the decision of the Board of Immigration Appeals (“BIA”) dismissing petitioner’s appeal from the immigration judge’s (“IJ”) denial of his

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

application for cancellation of removal.

Munguia contends that the IJ should not have considered his underlying conviction to be a conviction relating to a controlled substance for purposes of removal. *See* 8 U.S.C. § 1227(a)(2)(B)(I). However, since petitioner did not exhaust his administrative remedies because he failed to raise the issue in his appeal to the BIA, we lack jurisdiction to consider the argument. *Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

DISMISSED.